

### **REMARKS/ARGUMENTS**

Favorable reconsideration of this application, in view of the present amendment and in light of the following discussion, is respectfully requested.

Upon entry of the present amendment, claims 31 to 38 are pending in the application.

In the present amendment, claims 22 to 25 and 27 to 30 have been canceled without prejudice or disclaimer, claims 31 and 33 have been amended so as to clearly recite the subject matter of claim 22, claims 32 and 34 have been amended so as to clearly recite the subject matter of claim 27, and new claims 35 to 38 have been added in place of canceled claims 25 and 30.

Herein, support for the present amendment can be found in the specification and drawings as originally filed, for example, in the descriptions at lines 9 to 12 on page 14, lines 5 to 9 and 13 to 17 on page 18, lines 16 to 20 on page 20, lines 8 to 12 and 17 to 24 on page 32, lines 12 to 16 and 22 to 32 on page 33, lines 21 to 26 on page 34, line 32 on page 34 to line 2 on page 35, and lines 12 to 15 on page 35, and the depictions of figures 1B and 1D. Thus, it is respectfully submitted that no new matter is added by the present amendment.

Furthermore, the present amendment is made to cancel rejected claims and to present rejected claims in a better form for consideration on appeal as set forth in 37 CFR Section 1.116, paragraph (b) and to place the application in condition for allowance as stated in MPEP 714. 12 "Amendments >and Other Replies< After Final Rejection or Action". Accordingly, entry of the present amendment and favorable reconsideration of the application are respectfully requested.

In addition, acknowledgement of the priority document receipt, official consideration of the Information Disclosure Statement (IDS), and approval of the drawings are respectfully requested.

***Claim Rejection - 35 USC 103 -***

In the outstanding office action, the examiner states that claims 22 -- 25 and 27 -- 30 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Mohanty (US2003/0216496) in view of Suzuki (US 6,583,208), Swor (US 5,494,955), and Gardner (US 6,210,614).

In the present amendment, claims 22 to 25 and 27 to 30 have been canceled without prejudice or disclaimer.

Accordingly, the claim rejection under 35 U.S.C. 103 (a) has been rendered moot.

Consequently, withdrawal of the claim rejection under 35 U.S.C. 103 (a) is respectfully requested.

***Double Patenting Rejection***

In the outstanding office action, the examiner states that claims 22 -- 25 and 27 -- 34 are provisionally rejected on the ground of nonstatutory obvious-type double patenting as being unpatentable over claim 1 of copending application No. 11/628,625.

In the present amendment, claims 22 to 25 and 27 to 30 have been canceled without prejudice or disclaimer and claims 31 to 34 have been amended.

Accordingly, the provisional obviousness-type double patenting rejection with respect to claims 22 to 25 and 27 to 30 has been rendered moot.

Thus, the provisional obviousness-type double patenting rejection with respect to claims 31 to 34 is the only potential rejection remaining in the present application.

Herein, the present application (Serial No. 10/580,336) is an earlier-filed application while the copending application (Serial No. 11/628,625) is a later-filed application.

Therefore, withdrawal of the provisional obvious-type double patenting rejection is respectfully requested. (Please refer to the MPEP 804 -- B -- 1, "Nonstatutory Double Patenting Rejections".)

#### *Conclusion*

In view of the foregoing, the present application is believed to be in condition for allowance and an early indication to that effect is earnestly solicited.

The Commissioner is authorized to charge any fees to Deposit Account No. 50-4424.

Respectfully submitted,

IPUSA, PLLC

Martin A. Weeks

Martin A. Weeks

Registration Number 37, 753

Correspondence Address:

Customer Number:

**77464**